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FILED  
Superior Court of California  
County of Los Angeles

JUN 15 2017

Sherril R. Carson, Deputy Clerk  
By: *[Signature]*, Deputy  
Clerk

Attorneys for Plaintiff

NO FEE – GOV'T CODE § 6103

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 THE PEOPLE OF THE STATE OF CALIFORNIA,  
12 Plaintiff,

13 vs.

14 BHAVNA JAYESH PATEL aka BHAVNA KIRAN  
15 PATEL, as an individual and as trustee of the  
16 BHAVNA JAYESH PATEL REVOCABLE LIVING  
17 TRUST dated January 16, 2010 d/b/a RIGHT  
STEP INN; RAMESHKUMAR VAGHASHIA aka  
RAMESH KUMAR, an individual; and DOES 1  
through 50, inclusive,

18 Defendants.

Case No.:

**BC 665312**

**COMPLAINT FOR ABATEMENT AND  
INJUNCTION**

[CIVIL CODE SECTION 3479, ET  
SEQ.; BUS. & PROF. CODE SECTION  
17200, ET SEQ.]

(Unlimited Action)

20 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

21 **I. INTRODUCTION**

22 1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the  
23 State of California ("People"), for the purpose of abating and enjoining a dangerous gang-  
24 related public nuisance existing at the Right Step Inn, a single room occupancy hotel located at  
25 813 Watson Ave., in the Wilmington neighborhood of Los Angeles (hereinafter the "Property").  
26 The above-captioned defendants ("Defendants"), as described below, are the owners and/or  
27 operators of the Property. This action is brought pursuant to the Public Nuisance Law ("PNL"),  
28 California Civil Code section 3479, *et seq.*; and the Unfair Competition Law ("UCL"), California

1 Business and Professions Code section 17200, *et seq.*

2       2.       Since at least 2005, the Property has been, and currently is, a stronghold for  
3 members and associates of the Eastside Wilmas ("ESW") criminal street gang. The Property<sup>1</sup>  
4 is located in ESW "turf," and is well-known among Los Angeles Police Department ("LAPD")  
5 officers and community members alike as a problematic gang location. The ESW use the  
6 Property as an anchor point for their illegal activities. Since 2013, there have been  
7 approximately 14 reported incidents at the Property involving documented gang members;  
8 and, during that time LAPD has arrested at least 15 gang members at the Property for crimes  
9 including (among others) possession of narcotics, ex-con with a gun, and attempted murder.  
10 Further, including the aforementioned arrests of gang members, LAPD has documented at  
11 least 37 arrests at the Property since 2013, and at least 18 violent or dangerous incidents,  
12 including assault with a deadly weapon, brandishing a firearm, possession of a dirk or dagger,  
13 batteries, criminal threats, and witness intimidation.

14       3.       ESW and their associates pose a serious threat to the Property's residents, as  
15 well as the broader community. For example, in November 2012, a shootout occurred in front  
16 of the Property involving three ESW gang members, resulting in a former United States Marine  
17 being shot. The former Marine had been sitting in a parked car across from the Property with  
18 his girlfriend, who resided at the Property. While sitting in the car, the couple observed three  
19 ESW gang members exit the Property. The gang members approached the couple and  
20 displayed a silver gun while making gang-related threats. The parties exchanged gunfire, and  
21 one of the gang members shot the former Marine in the lower back.

22       4.       In another incident in February 2015, a group of ESW gang members attacked  
23 another ESW gang member inside the Property. The victim, who reportedly owed money to the  
24 gang, was beaten with a baseball bat so badly that he had to be hospitalized. LAPD officers  
25 arrested six ESW gang members, who were charged with attempted murder for their  
26 participation in the attack; and, arrest warrants were issued for two additional ESW gang  
27 members. Two of these gang members were arrested at the Property.

28 \_\_\_\_\_  
<sup>1</sup> ESW gang members refer to the Property as "the Watson."

1           5. Troublingly, ESW has increasingly tightened its grip on both the Property and the  
2 Right Step Inn's on-site operator, Defendant RAMESHKUMAR VAGHASHIA, who resides at  
3 the Property. Although LAPD continues to receive credible information of ongoing gang activity  
4 at the Property, that activity goes largely unreported due to residents' and VAGHASHIA's fear  
5 of retaliation from the gang. Due to this atmosphere of intimidation, the Property has become  
6 even more of a safe haven where ESW gang members conduct their illegal activities without  
7 interference from the Property's ownership or the operators of the Right Step Inn. Plaintiff is  
8 informed and believes, and thereon alleges, that the vast majority of crimes occurring at the  
9 Property go unreported. As described in a Google review of the Right Step Inn posted within  
10 the last year, "If you need to sleep and don't mind the drug dealers, prostitutes, gang  
11 infestation, ... and don't mind being robbed this is the place for you."

12           6. Defendant BHAVNA JAYESH PATEL, the Property's title owner, was put on  
13 notice as early as 2005 of the nuisance activity occurring at her Property. The Office of the Los  
14 Angeles City Attorney held a case conference with PATEL and her sister in 2005 to discuss  
15 the nuisance criminal activity at the Property and steps she could take to stop it. But the  
16 nuisance activity occurring at the Property did not stop. To the contrary, as illustrated by the  
17 incidents described above, it ultimately escalated.

18           7. Defendants' failure to implement appropriate security and other managerial "best  
19 practices" allows the Property to persist as a dangerous public nuisance. The Defendant  
20 owners and managers must play a far more robust, engaged, and committed role to put a halt  
21 to the ongoing gang activity at the Property. This nuisance abatement prosecution is intended  
22 to require such action by Defendants and to protect the health and safety of both the  
23 Property's residents and members of the surrounding community.

## 24                           II. THE PARTIES AND THE PROPERTY

### 25       A. Plaintiff

26           8. Plaintiff, the People, is the sovereign power of the State of California designated  
27 in California Code of Civil Procedure section 731 to be the complaining party in actions brought  
28 to abate, enjoin, and penalize public nuisances. Further, the City of Los Angeles has a

1 population in excess of 750,000, and as such, California Business and Professions Code  
2 section 17204 authorizes Plaintiff, the People, to prosecute actions for relief under California  
3 Business and Professions Code section 17200, *et seq.* for unfair competition.

4 **B. Defendants**

5 9. Defendant BHAVNA JAYESH PATEL first acquired an interest in the Property in  
6 2004, as a joint tenant with her husband, Jayesh C. Patel. In 2010, after the death of Jayesh  
7 C. Patel, the Property was transferred to Defendant BHAVNA JAYESH PATEL, trustee of the  
8 BHAVNA JAYESH PATEL REVOCABLE LIVING TRUST dated January 16, 2010. She has  
9 been the record owner of the Property from 2010 until the present. Defendant BHAVNA  
10 JAYESH PATEL is also known as BHAVNA KIRAN PATEL.

11 10. Plaintiff is informed and believes, and thereon alleges, that Defendant BHAVNA  
12 JAYESH PATEL has also owned and operated the Right Step Inn at the Property since 2004.

13 11. Defendant RAMESHKUMAR VAGHASHIA, also known as RAMESH KUMAR, is  
14 the manager of the Right Step Inn and resides at the Property. Defendant VAGHASHIA has  
15 represented to LAPD officers that he is also the owner of the Right Step Inn. Therefore,  
16 Plaintiff is informed and believes, and thereon alleges, that Defendant VAGHASHIA has an  
17 ownership interest in the Property and/or the Right Step Inn.

18 12. The true names and capacities of Defendants sued herein as Does 1 through 50,  
19 inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious  
20 names. When the true names and capacities of said Defendants have been ascertained,  
21 Plaintiff will ask leave of the Court to amend this complaint and to insert in lieu of such fictitious  
22 names the true names and capacities of said fictitiously named Defendants.

23 **C. The Property**

24 13. The Property is a single room occupancy hotel, doing business as the Right Step  
25 Inn, located at the address commonly known as 813 Watson Ave., Wilmington, CA 90744. The  
26 Property has approximately 38 units on 2 floors, with a communal restroom on each floor. Its  
27 legal description is: "LOT 18 IN BLOCK 'G' OF WILMINGTON HARBOR TRACT, IN THE CITY  
28 OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP

1 RECORDED IN BOOK 10, PAGE 69 OF MAPS, IN THE OFFICE OF THE COUNTY  
2 RECORDER OF SAID COUNTY," with Assessor's Parcel Number 7425-038-014.

3 14. The Property is less than 1,000 feet from the East Wilmington Greenbelt  
4 Community Center, a City of Los Angeles Department of Recreation and Parks facility that is  
5 home to a girls' basketball program for ages 8-15.

6 **III. THE PUBLIC NUISANCE LAW**

7 15. The abatement of a nuisance is a long-established and well-recognized exercise  
8 of the state's police power. (*People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-  
9 76; *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Civil Code section  
10 3479 defines a nuisance as "[a]nything which is injurious to health, including, but not limited to,  
11 the illegal sale of controlled substances, or is indecent or offensive to the senses, or an  
12 obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life  
13 or property ... ." (See *Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has  
14 defined in general terms the word 'nuisance' in Civil Code section 3479 ... ."].)

15 16. Civil Code section 3480 defines a public nuisance as "one which affects at the  
16 same time an entire community or neighborhood, or any considerable number of persons,  
17 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

18 17. The case law is "replete with examples" of "the threat violent street gangs ...  
19 pose to the safety of peaceful Californians." (*Castaneda v. Olsher* (2007) 41 Cal.4th 1205,  
20 1216.) The California Supreme Court has explicitly recognized that "[s]treet gang activity can  
21 often subject" innocent bystanders "to unacceptable levels of fear and risk." (*Id.*) In *Medina v.*  
22 *Hillshore Partners* (1995) 40 Cal.App.4th 477, 486, involving a wrongful death claim by the  
23 mother of a young man shot by gang members at an apartment complex, the court said, "We  
24 agree that the congregation of gangs poses a foreseeable risk of harm to the public." In  
25 particular, the whole spectrum of typical street gang conduct, ranging from loitering, to public  
26 drinking and boisterousness, to drug dealing, to gunfire, has been held to "easily meet the  
27 statutory standard" for a public nuisance under the PNL. (*People ex rel. Gallo v. Acuna* (1997)  
28 14 Cal.4th 1090, 1120.)

18. Civil Code section 3491 provides for the methods by which public nuisances such as those alleged herein may be abated. Section 3491 states that the "remedies against a public nuisance are: 1. Indictment or information; 2. A civil action; or, 3. Abatement." Abatement is "accomplished by a court of equity by means of an injunction proper and suitable to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

19. Code of Civil Procedure section 731 authorizes a city attorney to bring an action to enjoin or abate a public nuisance. It provides, in relevant part, "A civil action may be brought in the name of the people of the State of California to abate a public nuisance ... by the city attorney of any town or city in which the nuisance exists."

20. "[S]trict liability for nuisance historically attends the possession and control of land." (*Leslie Salt Co. v. San Francisco Bay Conservation etc. Com.* (1984) 153 Cal.App.3d 605, 618, fn. 15). "[I]t is immaterial whether the acts be considered wilful or negligent; the essential fact is that, whatever be the cause, the result is a nuisance." (*Snow v. Marian Realty Co.* (1931) 212 Cal. 622, 625-26; see also *Sturges v. Charles L. Harney, Inc.* (1958) 165 Cal.App.2d 306, 318 ["a nuisance and liability therefor may exist without negligence"]; *People v. McCaddon* (1920) 48 Cal.App. 790, 792 ["A judgment supported on findings that such nuisance was conducted and maintained on the premises in question, regardless of the knowledge of the owner thereof, is sufficient. Such knowledge on the part of the owner ... is unnecessary".]) Courts apply this strict standard because "the object of the act is not to punish; its purpose is to effect a reformation in the property itself." (*People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261.)

#### IV. UNFAIR COMPETITION LAW

21. The UCL, at Business and Professions Code section 17200 *et seq.*, forbids any business practices otherwise forbidden by law, be it criminal, federal, state, municipal, statutory, regulatory, or court-made. As the California Supreme Court has explained, the UCL “‘borrows’ violations of other laws and treats them as unlawful practices independently actionable under section 17200 *et seq.*” (*South Bay Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (citation and internal quotation marks omitted).)

1        22. As proscribed by the UCL, "[a]n 'unlawful business activity' includes 'anything  
2 that can properly be called a business practice and that at the same time is forbidden by law.'"  
3 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) The ownership and operation of a hotel or  
4 motel is a business activity. (See *Clark v. San Pablo* (1969) 270 Cal.App.2d 121, 126.) Thus,  
5 when a property owner conducts, maintains, or permits a nuisance that is unlawful under the  
6 PNL to exist on the premises of such a business, it is a violation of the UCL. (See *City and*  
7 *County of San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1305-08.)

8        23. Moreover, the UCL casts a broad net. "Any person who engages, has engaged,  
9 or proposes to engage in unfair competition may be enjoined in any court of competent  
10 jurisdiction." (Bus. & Prof. Code, § 17203.) The term person includes "natural persons,  
11 corporations, firms, partnerships, joint stock companies, associations and other organizations  
12 of persons." (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200's net  
13 beyond direct liability to include common law doctrines of secondary liability where the liability  
14 of each defendant is predicated on his or her personal participation in the unlawful practices.  
15 (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95  
16 Cal.App.4th 952, 960.)

17        24. Civil actions under the UCL may be brought in the name of the People of the  
18 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.  
19 & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to  
20 section 17200 based on violations of its own municipal code, state law, or other local  
21 ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

22        25. Defendants engaging in violations of the UCL may be enjoined in any court of  
23 competent jurisdiction. (Bus. & Prof. Code, § 17203.) A court may make such orders or  
24 judgments, including appointment of a receiver, as may be necessary to prevent the use or  
25 employment by any person of any practice constituting unfair competition. (*Id.*)

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1                   **V.     FIRST CAUSE OF ACTION FOR PUBLIC NUISANCE**

2                                   **[Civil Code section 3479, *et seq.* --**

3                                   **Against All Defendants and DOES 1 through 50]**

4           26.     Plaintiff hereby incorporates by reference paragraphs 1 through 25 of this  
5 Complaint and makes them part of this First Cause of Action as though fully set forth herein.

6           27.     Since at least 2005, through the present time, Defendants, and DOES 1 through  
7 50, have alternately owned, operated, managed and used, and/or directly or indirectly  
8 permitted to be occupied and used, the Property in such a manner as to constitute a public  
9 nuisance in accordance with Civil Code sections 3479 and 3480. The public nuisance, as  
10 described herein, is injurious to health, indecent or offensive to the senses, and/or an  
11 obstruction to the free use of property, so as to substantially and unreasonably interfere with  
12 the comfortable enjoyment of life or property by those persons living either in the Property or in  
13 the surrounding community. The public nuisance consists of, but is not limited to, the regular,  
14 menacing, intimidating, violent, and disorderly presence of resident and non-resident gang  
15 members and/or associates at the Property; the presence of weapons and gunfire at the  
16 Property; batteries and criminal threats committed at the Property; and illegal narcotics activity  
17 at the Property.

18           28.     Defendants, and DOES 1 through 50, in owning, conducting, maintaining, and/or  
19 permitting the use of the Property, directly or indirectly, as a public nuisance, have engaged in  
20 wrongful conduct and caused a serious threat to the general health, safety, and welfare of the  
21 law-abiding tenants at the Property and persons in the area surrounding the Property.

22           29.     Unless Defendants, and DOES 1 through 50, are restrained and enjoined by  
23 order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or permit,  
24 directly or indirectly, the use, occupation, and maintenance of the Property, together with the  
25 fixtures and appurtenances located therein, for the purpose complained of herein, to the great  
26 and irreparable damage of Plaintiff and in violation of California law.

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28     ///

1                   **VI.     SECOND CAUSE OF ACTION FOR UNFAIR COMPETITION**

2                   **[Business and Professions Code section 17200, et seq. --**

3                   **Against All Defendants and DOES 1 through 50]**

4           30.     Plaintiff hereby incorporates by reference paragraphs 1 through 29 of this  
5 Complaint and makes them part of this Second Cause of Action as though fully set forth  
6 herein.

7           31.     Ownership and operation of the Property is a business. When the owner and/or  
8 manager of such a business violates the PNL such that a nuisance exists and flourishes at the  
9 business's premises, as alleged herein, it is also a violation of the UCL.

10          32.     Defendants and DOES 1-50 have violated the UCL by conducting, maintaining,  
11 and/or permitting, directly or indirectly, a nuisance in violation of the PNL, at the Property, as  
12 alleged herein.

13          33.     Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50  
14 are restrained by this Court they will continue to commit unlawful business practices or acts,  
15 thereby causing irreparable injury and harm to the public's welfare.

16                                   **PRAYER**

17           **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE, AND**  
18 **DECREE AS FOLLOWS:**

19                                   **AS TO THE FIRST CAUSE OF ACTION**

20          1.     That the Property, together with the fixtures and moveable property therein and  
21 thereon, be declared a public nuisance and be permanently abated as such in accordance with  
22 Civil Code section 3491.

23          2.     That each Defendant and his or her agents, officers, employees, and anyone  
24 acting on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined  
25 from operating, conducting, using, occupying, or in any way permitting the use of the Property  
26 as a public nuisance. Such orders should include, but not be limited to, physical and  
27 managerial improvements to the Property, the appointment of a receiver to carry out the  
28 Court's orders, and such other orders as are appropriate to remedy the nuisance on the

1 Property and enhance the abatement process.

2 3. That Plaintiff be awarded such costs as may occur in abating said nuisance at the  
3 Property and such other costs as the Court shall deem just and proper.

4 4. That Plaintiff be granted such other and further relief as the Court deems just and  
5 proper, including closure and/or demolition of the Property.

6 AS TO THE SECOND CAUSE OF ACTION

7 1. That each Defendant be declared in violation of Business and Professions Code  
8 section 17200.

9 2. That each Defendant, as well as his or her agents, heirs, successors, and  
10 anyone acting on his or her behalf, be permanently enjoined from maintaining, operating, or  
11 permitting any unlawful or unfair business acts or practices in violation of Business and  
12 Professions Code section 17200.

13 3. That the Court grant a preliminary and/or permanent injunction prohibiting each  
14 Defendant, as well as his or her agents, heirs, successors, and anyone acting on his or her  
15 behalf, from engaging in the unlawful or unfair acts and/or practices described herein at the  
16 Property and in the City of Los Angeles. Such orders should include physical and managerial  
17 improvements to the Property.

18 4. That, pursuant to Business and Professions Code section 17206, each  
19 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair competition.

20 5. That, pursuant to the Court's equitable power and Business and Professions  
21 Code section 17203, the Court make such orders or judgments, including appointment of a  
22 receiver, to eliminate the unlawful or unfair competition alleged herein.

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1 AS TO ALL CAUSES OF ACTION

2 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for  
3 the service of process or notices which would have been paid but for Government Code  
4 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the  
5 amount of the fees for certifying and preparing transcripts.

6 2. That Plaintiff be granted such other and further relief as the Court deems just and  
7 proper.  
8

9 DATED: June 15, 2017

Respectfully submitted,

10 MICHAEL N. FEUER, City Attorney  
11 JONATHAN CRISTALL, Superv. Asst. City Attorney

12  
13 By: 

14 DREW A. ROBERTSON, Deputy City Attorney  
15 Attorneys for Plaintiff, THE PEOPLE OF THE  
16 STATE OF CALIFORNIA  
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